

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



05-05-04

1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John W. Babich, et al.
Serial No: 10/077,475
Filed: February 15, 2002
For: Matrices for Drug Delivery and
Methods of Making and Using the
Same

Art Unit: 1652
Attorney Docket No. BSA-007.02
Examiner: C. Patterson

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below:

May 4, 2004

Date of Signature
and of Mail Deposit

Shirine Darvish

Shirine Darvish

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR A FIVE-MONTH EXTENSION OF TIME

Dear Sir:

Applicants hereby petition for a five-month extension of time, from December 4, 2003 up to and including May 4, 2004, pursuant to 37 C.F.R. 1.1.36(a) for the filing of a response to an Notice of Incomplete Reply mailed November 4, 2003 in the above-identified application. A check for \$1390.00 is enclosed, which is intended to cover both the extension of time fee of \$1,005.00 as well as the continuation application fee of \$385.00.

05/06/2004 SZEWDIE1 00000033 10077475

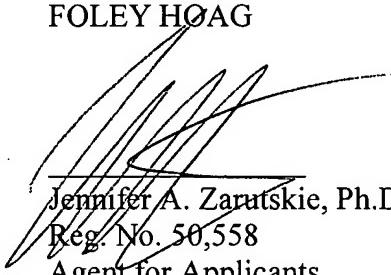
01 FC:2255

1005.00 0P

Applicants have concurrently filed a continuation application in order to pursue the non-elected claims presented in the amendment filed on 9/15/03. Thus, this petition has been filed in order to maintain pendency of the parent application.

The Commissioner is hereby authorized to charge any under-payments or credit any overpayments to our Deposit Account No. **06-1448, Reference BSA-007.02.**

Respectfully submitted,
FOLEY HOAG



Jennifer A. Zaratskie, Ph.D.
Reg. No. 50,558
Agent for Applicants

May 4, 2004
Patent Group
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210-2600
Tel: (617) 832-1000
FAX: (617) 832-7000
Customer Number 25181

18334 U.S.PTO
050404

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
1005

Complete if Known	
Application Number	10/077,475
Filing Date	February 15, 2002
First Named Inventor	John W. Babich
Examiner Name	C. Patterson
Art Unit	1652
Attorney Docket No.	BSA-007.02

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																																																																																
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number <input type="text" value="06-1448"/> Deposit Account Name <input type="text"/>				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> </tr> </thead> <tbody> <tr> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Code</td> <td>Fee (\$)</td> <td>Fee Description</td> <td>Fee Paid</td> </tr> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td><input type="text"/></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td><input type="text"/></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td><input type="text"/></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td><input type="text"/></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td><input type="text"/></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td><input type="text"/></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td><input type="text"/></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td><input type="text"/></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td><input type="text"/></td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td><input type="text"/></td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td><input type="text"/></td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td><input type="text"/></td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td><input type="text"/></td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td><input type="text"/></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td><input type="text"/></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td><input type="text"/></td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665</td> <td>Petition to revive - unintentional</td> <td><input type="text"/></td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td><input type="text"/></td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240</td> <td>Design issue fee</td> <td><input type="text"/></td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320</td> <td>Plant issue fee</td> <td><input type="text"/></td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130</td> <td>Petitions to the Commissioner</td> <td><input type="text"/></td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50</td> <td>Processing fee under 37 CFR 1.17 (q)</td> <td><input type="text"/></td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td><input type="text"/></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td><input type="text"/></td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td><input type="text"/></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td><input type="text"/></td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td><input type="text"/></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td><input type="text"/></td> </tr> <tr> <td colspan="6">Other fee (specify) _____</td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3)</td> <td>(\$ 1005)</td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or oath	<input type="text"/>	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>	1053	130	1053	130	Non-English specification	<input type="text"/>	1812	2,520	1812	2,520	For filing a request for reexamination	<input type="text"/>	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>	1251	110	2251	55	Extension for reply within first month	<input type="text"/>	1252	420	2252	210	Extension for reply within second month	<input type="text"/>	1253	950	2253	475	Extension for reply within third month	<input type="text"/>	1254	1,480	2254	740	Extension for reply within fourth month	<input type="text"/>	1255	2,010	2255	1,005	Extension for reply within fifth month	<input type="text"/>	1401	330	2401	165	Notice of Appeal	<input type="text"/>	1402	330	2402	165	Filing a brief in support of an appeal	<input type="text"/>	1403	290	2403	145	Request for oral hearing	<input type="text"/>	1451	1,510	1451	1,510	Petition to institute a public use proceeding	<input type="text"/>	1452	110	2452	55	Petition to revive - unavoidable	<input type="text"/>	1453	1,330	2453	665	Petition to revive - unintentional	<input type="text"/>	1501	1,330	2501	665	Utility issue fee (or reissue)	<input type="text"/>	1502	480	2502	240	Design issue fee	<input type="text"/>	1503	640	2503	320	Plant issue fee	<input type="text"/>	1460	130	1460	130	Petitions to the Commissioner	<input type="text"/>	1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	<input type="text"/>	1806	180	1806	180	Submission of Information Disclosure Stmt	<input type="text"/>	8021	40	8021	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>	1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>	1801	770	2801	385	Request for Continued Examination (RCE)	<input type="text"/>	1802	900	1802	900	Request for expedited examination of a design application	<input type="text"/>	Other fee (specify) _____						*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)		(\$ 1005)
Large Entity	Small Entity																																																																																																																																																																																																			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																															
1051	130	2051	65	Surcharge - late filing fee or oath	<input type="text"/>																																																																																																																																																																																															
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>																																																																																																																																																																																															
1053	130	1053	130	Non-English specification	<input type="text"/>																																																																																																																																																																																															
1812	2,520	1812	2,520	For filing a request for reexamination	<input type="text"/>																																																																																																																																																																																															
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>																																																																																																																																																																																															
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>																																																																																																																																																																																															
1251	110	2251	55	Extension for reply within first month	<input type="text"/>																																																																																																																																																																																															
1252	420	2252	210	Extension for reply within second month	<input type="text"/>																																																																																																																																																																																															
1253	950	2253	475	Extension for reply within third month	<input type="text"/>																																																																																																																																																																																															
1254	1,480	2254	740	Extension for reply within fourth month	<input type="text"/>																																																																																																																																																																																															
1255	2,010	2255	1,005	Extension for reply within fifth month	<input type="text"/>																																																																																																																																																																																															
1401	330	2401	165	Notice of Appeal	<input type="text"/>																																																																																																																																																																																															
1402	330	2402	165	Filing a brief in support of an appeal	<input type="text"/>																																																																																																																																																																																															
1403	290	2403	145	Request for oral hearing	<input type="text"/>																																																																																																																																																																																															
1451	1,510	1451	1,510	Petition to institute a public use proceeding	<input type="text"/>																																																																																																																																																																																															
1452	110	2452	55	Petition to revive - unavoidable	<input type="text"/>																																																																																																																																																																																															
1453	1,330	2453	665	Petition to revive - unintentional	<input type="text"/>																																																																																																																																																																																															
1501	1,330	2501	665	Utility issue fee (or reissue)	<input type="text"/>																																																																																																																																																																																															
1502	480	2502	240	Design issue fee	<input type="text"/>																																																																																																																																																																																															
1503	640	2503	320	Plant issue fee	<input type="text"/>																																																																																																																																																																																															
1460	130	1460	130	Petitions to the Commissioner	<input type="text"/>																																																																																																																																																																																															
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	<input type="text"/>																																																																																																																																																																																															
1806	180	1806	180	Submission of Information Disclosure Stmt	<input type="text"/>																																																																																																																																																																																															
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	<input type="text"/>																																																																																																																																																																																															
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>																																																																																																																																																																																															
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>																																																																																																																																																																																															
1801	770	2801	385	Request for Continued Examination (RCE)	<input type="text"/>																																																																																																																																																																																															
1802	900	1802	900	Request for expedited examination of a design application	<input type="text"/>																																																																																																																																																																																															
Other fee (specify) _____																																																																																																																																																																																																				
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)		(\$ 1005)																																																																																																																																																																																														
Total Claims <input type="text"/> -20 ** = <input type="text"/> 0 <input type="text"/> X <input type="text"/> = <input type="text"/> 0 Independent Claims <input type="text"/> -3 ** = <input type="text"/> 0 <input type="text"/> X <input type="text"/> = <input type="text"/> 0 Multiple Dependent <input type="text"/> X <input type="text"/> = <input type="text"/> 0																																																																																																																																																																																																				
Large Entity		Small Entity		Fee Description																																																																																																																																																																																																
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																	
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																																
1201	86	2201	43	Independent claims in excess of 3																																																																																																																																																																																																
1203	290	2203	145	Multiple dependent claim, if not paid																																																																																																																																																																																																
1204	86	2204	43	** Reissue independent claims over original patent																																																																																																																																																																																																
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																																
SUBTOTAL (2) <input type="text"/> (\$ 0)																																																																																																																																																																																																				

**or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Jennifer A. Zaruskie, P.I.D.	Registration No. (Attorney/Agent)	50,558	Telephone	617-832-1000
Signature			Date	May 4, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.